

FILED  
9/2/21 12:57 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Thanh D. Nguyen**

)  
) **Case No. 21-21228-JAD**  
)  
) **Chapter 13**  
)  
**Debtor(s).** )  
X Doc. # 42

**ORDER OF COURT**  
**(Check Boxes That Apply)**

☐ **Confirming Plan on Final Basis**

☒ **Chapter 13 Plan dated:**  
**June 30, 2021**

☒ **Authorizing Distributions Under Plan**  
**On Interim Basis Solely as Adequate**  
**Protection**

☐ **Amended Chapter 13 dated:**  
\_\_\_\_\_

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

**1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:***

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$, beginning. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least \_\_\_\_ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

**PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.**

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor \_\_\_\_\_ shall be paid monthly payments of \$\_\_\_\_\_ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:  
\*PA Department of Revenue claim #12  
\*BMW Bank of North America claim #6 govern with monthly payment determined by Trustee
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

- 
- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
- 
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
- 
- ☐ K. Additional Terms and Conditions:

**2. Deadlines. The following deadlines are hereby established and apply to this case:**

**A. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**B. Review of Claims Docket and Objections to Claims.** Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

**C. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**D. Filing Amended Plans or Other Stipulation.** Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a

revised wage attachment to provide for the increased funding.

**3. Additional Provisions. The following additional provisions apply in this case:**

**A.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**B.** The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

**G.** The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

**H.** The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: 9/2/2021

  
jsf  
United States Bankruptcy Judge  
Jeffery A. Deller

cc: All Parties in Interest to be served by Clerk

In re:  
Thanh D. Nguyen  
Debtor

Case No. 21-21228-JAD  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Sep 02, 2021

User: dpas  
Form ID: pdf900

Page 1 of 4  
Total Noticed: 60

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 04, 2021:

Recip ID	Recipient Name and Address
db	+ Thanh D. Nguyen, 627 Rostraver Road, Belle Vernon, PA 15012-1940
cr	+ Jeannette City School District, Maiello Brungo & Maiello, LLP- Tax Div., 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
15377684	+ Allegheny County Family Division, 414 Grant Street, Pittsburgh, PA 15219-2409
15377685	+ Amex, P.o. Box 981537, El Paso, TX 79998-1537
15395757	+ Anitra Walker, 12 Powder Springs Street, Suite 240, Marietta, GA 30064-7205
15392240	+ BMW Financial Services Attn: Customer Accounting, 5550 Britton Parkway, Hilliard, OH 43026-7456
15377686	+ Bank of America, 4909 Savarese Circle, Tampa, FL 33634-2413
15377689	+ Capital One/Saks, 3455 Hwy 80 West, Jackson, MS 39209-7202
15389568	+ Hoang X. Lai, 2801 Philadelphia Avenue, Pittsburgh, PA 15216-1928
15389277	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15389159	Marlin Capital Solutions, PO Box 13604, Philadelphia, PA 19101-3604
15395758	+ On Deck Capital, Inc., 12 Powder Springs Street, Suite 240, Marietta, GA 30064-7205
15389161	PA SCDU, PO Box 69112, Harrisburg, PA 17106-9112
15377703	+ Select Portfolio Servicing, 10401 Deerwood Park Blvd, Jacksonville, FL 32256-5007
15377713	+ Toyota Motor Credit Company, Two Walnut Groove Drive, Horsham, PA 19044-2219
15389163	+ US Small Business Administration, P.O. Box 3918, Portland, OR 97208-3918
15403806	+ United States of America, U.S. Small Business Administration, 411 Seventh Avenue, #1450, Pittsburgh, PA 15219-1905
15377715	+ Wells Fargo Dealer Services, Po Box 71092, Charlotte, NC 28272-1092

TOTAL: 18

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Sep 02 2021 23:18:04	BMW Bank of North America, c/o AIS Portfolio Servi, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/PDF: rmscedi@recoverycorp.com	Sep 02 2021 23:18:22	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15377687	Email/PDF: ais.bmw.ebn@americaninfosource.com	Sep 02 2021 23:18:04	Bmw Financial Services, Po Box 3608, Dublin, OH 43016
15389566	Email/Text: bankruptcy@cavps.com	Sep 02 2021 23:12:00	Cavalry Portfolio Services, PO Box 27288, Tempe, AZ 85285
15377693	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 02 2021 23:12:00	Citizens Bank, 1 Citizens Drive, Riverside, RI 02915
15397583	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 02 2021 23:12:00	Citizens Bank, N.A., c/o Citizens BK., Charles M. Koutsogiane, AVP, One Citizens Bank Way, MAD, JCA 130, Johnston RI 02919
15381556	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 02 2021 23:18:22	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15377688	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 02 2021 23:18:04	Capital One Bank Usa N, Po Box 31293, Salt Lake City, UT 84131-0293
15387227	+ Email/Text: bankruptcy@cavps.com		

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		Sep 02 2021 23:12:00	Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
15377690	+ Email/PDF: Citi.BNC.Correspondence@citi.com		
		Sep 02 2021 23:18:13	Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
15377691	+ Email/PDF: Citi.BNC.Correspondence@citi.com		
		Sep 02 2021 23:18:13	Citi, Po Box 6190, Sioux Falls, SD 57117-6190
15389567	+ Email/PDF: Citi.BNC.Correspondence@citi.com		
		Sep 02 2021 23:33:25	Citibank N.A., 388 Greenwich Street, 14th Floor, New York, NY 10013-2362
15377692	+ Email/PDF: Citi.BNC.Correspondence@citi.com		
		Sep 02 2021 23:18:13	Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
15377694	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM		
		Sep 02 2021 23:12:00	Comenity Bank/Ann Taylor, Po Box 182789, Columbus, OH 43218-2789
15377695	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM		
		Sep 02 2021 23:12:00	Comenity Bank/Express, Po Box 182789, Columbus, OH 43218-2789
15377696	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM		
		Sep 02 2021 23:12:00	Comenity Bank/JCrew, Po Box 182789, Columbus, OH 43218-2789
15377697	Email/Text: mrdiscen@discover.com		
		Sep 02 2021 23:12:00	Discover Financial Services LLC, Po Box 15316, Wilmington, DE 19850
15379764	Email/Text: mrdiscen@discover.com		
		Sep 02 2021 23:12:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15397576	+ Email/Text: kburkley@bernsteinlaw.com		
		Sep 02 2021 23:12:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15389569	Email/Text: sbse.cio.bnc.mail@irs.gov		
		Sep 02 2021 23:12:00	IRS, Department of the Treasury, Fresno, CA 93888-0025
15377699	Email/PDF: ais.chase.ebn@americaninfosource.com		
		Sep 02 2021 23:18:22	Jpmcb Card, Po Box 15369, Wilmington, DE 19850
15390934	Email/PDF: resurgentbknotifications@resurgent.com		
		Sep 02 2021 23:18:04	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15377700	+ Email/Text: M74banko@daimler.com		
		Sep 02 2021 23:12:00	Mercedes Benz Financial, P.o. Box 961, Roanoke, TX 76262-0961
15377701	+ Email/Text: bnc@nordstrom.com		
		Sep 02 2021 23:12:12	Nordstrom/TD Bank Usa, 13531 E. Caley Ave, Englewood, CO 80111-6504
15389160	+ Email/Text: bankruptcy@ondeck.com		
		Sep 02 2021 23:12:00	On Deck, 1400 Broadway, New York, NY 10018-5300
15396831	Email/Text: Bankruptcy.Notices@pnc.com		
		Sep 02 2021 23:12:00	PNC Bank, National Association, Bankruptcy Department, PO Box 94982, Cleveland, OH 44101
15377702	Email/Text: Bankruptcy.Notices@pnc.com		
		Sep 02 2021 23:12:00	Pnc Bank, Po Box 3180, Pittsburgh, PA 15230
15398323	Email/Text: RVSVCBICNOTICE1@state.pa.us		
		Sep 02 2021 23:12:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, Pa. 17128-0946
15378304	+ Email/PDF: gecsed@recoverycorp.com		
		Sep 02 2021 23:18:04	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15377704	+ Email/PDF: gecsed@recoverycorp.com		
		Sep 02 2021 23:18:04	Synchrony Bank/Care Credit, C/o PO Box 965036, Orlando, FL 32896-0001
15377705	+ Email/PDF: gecsed@recoverycorp.com		
		Sep 02 2021 23:18:04	Synchrony Bank/Gap, PO Box 965005, Orlando, FL 32896-5005
15377706	+ Email/PDF: gecsed@recoverycorp.com		
		Sep 02 2021 23:18:04	Synchrony Bank/JCP, Po Box 965007, Orlando, FL 32896-5007
15377707	+ Email/PDF: gecsed@recoverycorp.com		
		Sep 02 2021 23:18:04	Synchrony Bank/Lowes, PO Box 965005, Orlando, FL 32896-5005
15377708	+ Email/PDF: gecsed@recoverycorp.com		

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		Sep 02 2021 23:18:12	Synchrony Bank/Luxury, Po Box 965036, Orlando, FL 32896-5036
15377709	+ Email/PDF: gecsed@recoverycorp.com	Sep 02 2021 23:18:12	Synchrony Bank/Old Navy, PO Box 965005, Orlando, FL 32896-5005
15377710	+ Email/PDF: gecsed@recoverycorp.com	Sep 02 2021 23:18:22	Synchrony Bank/TJ Maxx, PO Box 965005, Orlando, FL 32896-5005
15377711	+ Email/PDF: gecsed@recoverycorp.com	Sep 02 2021 23:18:22	Synchrony Bank/Value City Furniture, Po Box 965036, Orlando, FL 32896-5036
15377712	Email/Text: tidewaterlegalebn@twcs.com	Sep 02 2021 23:12:00	Tidewater Credit Services, 6520 Indian River Rd, Virginia Beach, VA 23464
15389571	Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 02 2021 23:18:13	The Home Depot, PO Box 9001010, Louisville, KY 40290-1010
15389162	+ Email/Text: bankruptcynotices@sba.gov	Sep 02 2021 23:12:00	U.S. Small Business Administration, 409 3rd Street, SW, Washington, DC 20416-0002
15377698	Email/Text: RPSBankruptcyBNCNotification@usbank.com	Sep 02 2021 23:12:00	Elan Financial Service, PO Box 108, Saint Louis, MO 63166
15377714	Email/Text: RPSBankruptcyBNCNotification@usbank.com	Sep 02 2021 23:12:00	US Bank, 800 Nicollet Mall, Minneapolis, MN 55402

TOTAL: 42

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Commonwealth of Pennsylvania, Department of Revenue
cr		Deutsche Bank National Trust Company, as Trustee,
15389158		Hoang X. Lai
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15389570	*	PA SCDU, PO Box 69112, Harrisburg, PA 17106-9112

TOTAL: 3 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 04, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 2, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Deutsche Bank National Trust Company as Trustee, in trust for registered Holders of First Franklin Mortgage Loan Trust 2005-FFH3, Asset-Backed Certificates, Series 2005-FFH3 bnicholas@kmlawgroup.com

Christos A. Katsaounis

District/off: 0315-2

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on behalf of Creditor Commonwealth of Pennsylvania Department of Revenue RA-occbankruptcy5@state.pa.us,  
RA-occbankruptcy6@state.pa.us

Daniel P. Foster

on behalf of Debtor Thanh D. Nguyen dan@mrdebtbuster.com  
katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com

Jennifer L. Cerce

on behalf of Creditor Jeannette City School District jlc@mbm-law.net

Keri P. Ebeck

on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 7